

1 ADAM PAUL LAXALT
Nevada Attorney General
2 ERIN L. ALBRIGHT, Bar No. 9953
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, Nevada 89701-4717
Tel: (775) 684-1257
6 E-mail: ealbright@ag.nv.gov

7 *Attorneys for Defendants, State of Nevada ex rel,*
Nevada Department of Corrections, Renee Baker,
8 *Gloria Carpenter, Cheryl Mangum, and Michael Oxborrow*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 ENOMA IGBINOVIA,

13 Plaintiff,

14 vs.

15 STATE OF NEVADA, on relation of NEVADA
DEPARTMENT OF CORRECTIONS, JAMES
16 "GREG" COX, DAVE MOLNAR, HARRY
CHURCHWARD, ELDON K. MCDANIELS,
17 DEBORAH BROOKS, RENEE BAKER,
CLAUDE WILLIS, MICHAEL OXBORROW,
18 ROBERT HUSTON, GREG MARTIN,
MICHAEL B. KOEHN, GLORIA
19 CARPENTER, CHERYL MAGNUM

20 Defendants.

21 Defendants, State of Nevada ex rel., Nevada Department of Corrections, and Renee Baker,
22 Gloria Carpenter, Cheryl Mangum, and Michael Oxborrow, by and through counsel, Adam Paul Laxalt,
23 Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby move
24 this court for an enlargement of time to respond to Plaintiff's Motion of Notice and Leave to Use
25 Service by Publication (ECF No. 87).

26 This motion is based on the following Memorandum of Points and Authorities and the papers
27 and pleadings on file herein.

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FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 23 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

ORDER
Case No. 3:16-cv-00497-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO PLAINTIFF'S MOTION OF NOTICE
AND LEAVE TO USE SERVICE BY
PUBLICATION (ECF NO. 87)
(FIRST REQUEST)**

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF MOTION

Defendants hereby move for an enlargement of time to respond to Plaintiff's Motion of Notice and Leave to Use Service by Publication (ECF No. 87). Defendants request the time to respond be enlarged to February 8, 2018.

II. RELEVANT FACTUAL BACKGROUND

Plaintiff filed a Motion of Notice and Leave to Use Service by Publication (ECF No. 87) on January 9, 2018. The attached declaration outlines that Defendant Martin regained employment with the Nevada Department of Corrections ("NDOC") in late 2016-early 2017. *Id.* at 6-7.

Upon review of the motion and declaration, Defense counsel sought confirmation as to Defendant Martin's employment status with the NDOC. It was discovered that Defendant Martin is re-employed with the NDOC. Since Defendant Martin is a current employee of the NDOC, a request for representation packet has been supplied to Defendant Martin. He has been provided with one week to request representation.

III. LEGAL AUTHORITY

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time in which an act must be done if a request is made before the original time or its extension expires. The proper procedure, when additional time for any purpose is needed, is to present the request for extension of time before the expiration of the time for the brief to be filed. Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule.

IV. DISCUSSION

Here, the time to respond to Plaintiff's Motion of Notice and Leave to Use Service by Publication (ECF No. 87) has not expired. Defendants submit that the facts and the argument contained herein constitute good cause to enlarge the time for filing the response to Plaintiff's Motion of Notice and Leave to Use Service by Publication (ECF No. 87). A request for representation packet has been provided to Defendant Martin. If he requests representation, Defense counsel will file a supplemental notice of acceptance of service; thereby, nullifying the need for Defendants to respond to Plaintiff's

1 Motion of Notice and Leave to Use Service by Publication (ECF No. 87). Therefore, in the interest of
2 judicial economy and resources, Defendants request the time to respond to Plaintiff's Motion of Notice
3 and Leave to Use Service by Publication (ECF No. 87) to February 8, 2018 to provide Defendant
4 Martin time to request representation.


5 **V. CONCLUSION**

6 Based on the foregoing, Defendants respectfully request this Court enlarge the time to respond
7 Plaintiff's Motion of Notice and Leave to Use Service by Publication (ECF No. 87) be enlarged to
8 February 8, 2018.

9 DATED this 18th day of January, 2018.

10 ADAM PAUL LAXALT
11 Attorney General

12 By:


13 ERIN L. ALBRIGHT
14 Deputy Attorney General
15 State of Nevada
16 Bureau of Litigation
17 Public Safety Division

18 *Attorneys for Defendants*

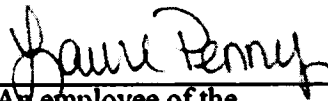
19 
20 IT IS SO ORDERED
21 U.S. MAGISTRATE JUDGE

22 DATED January 23, 2018
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 18th day of January, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S MOTION OF NOTICE AND LEAVE TO USE SERVICE BY PUBLICATION (ECF NO. 87) (FIRST REQUEST)**, to the following:

Enoma Igbinovia #56141
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301


An employee of the
Office of the Attorney General